

PROFESSIONAL ENGINEERS SECTION MEETING

MINUTES

The Professional Engineers Section of the Virginia Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects (APELSCIDLA Board) met on August 5, 2003, at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia, with the following members present:

Richard N. Davenport
Stanley C. Harris
Ronald G. Helton

Staff present for all or part of the meeting were:

Karen W. O'Neal, Deputy Director of Regulatory Programs
Mark N. Courtney, Executive Director
Marian H. Brooks, Program Administrator
Victoria Traylor, Legal Assistant

No representative from the Office of the Attorney General was present.

Mr. Helton, Chair, called the meeting to order at 9:05 a.m.

Call to Order

Mr. Davenport moved to approve the agenda. Mr. Harris seconded the motion which was unanimously approved by members: Davenport, Harris, and Helton.

Approval of Agenda

Public Comment Period – Duncan Abernathy, representative of the Virginia Society of the American Institute of Architects (VSAIA), spoke to the Section members regarding a ruling by the Virginia State Code Technical Review Board in March 2003. The ruling dealt with whether there was a certain percentage of damage to an existing building which would trigger the provisions of the USBC for new construction to apply to the rebuilding of the damaged building (the answer was no – they could rebuild using the code that was in place when the building was originally constructed). After discussion, the Section members agreed that the design professional would use his judgment, based on the facts of the case, to determine whether it was necessary to rebuild using the current building codes. If, in the judgment of the design professional, this was necessary, the professional would be obligated to use the current codes or not accept the job (pursuant to regulation 18 VAC 10-20-690).

Public Comment

No respondent, counsel for respondent or other representative, or participant without an appointment was present to speak before the Section.

Call for
Respondent

In reference to **File Number 2003-03185, Rauff Halim Mustafa**, the Section members reviewed the record from the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Davenport moved to recommend that the Board accept the facts in the Summary and reject the recommendation of the presiding Board member. Mr. Davenport also moved to recommend denial of Mr. Mustafa's application by comity due to the lack of documentation of the Philippine examination in the file as well as the lack of an evaluation and comparison of the Philippine examination to the National Council of Examiners for Engineering and Surveying (NCEES) Fundamentals of Engineering examination. Mr. Davenport further moved to recommend that Mr. Mustafa be approved for the Fundamentals of Engineering examination. Mr. Helton seconded the motion which was unanimously approved by members Davenport and Helton. As the presiding Board member at the Informal Fact-Finding Conference, Mr. Harris was not present during the discussion or vote.

File Number
2003-003185,
Rauff Halim
Mustafa

In reference to **File Number 2003-03155, Christopher John Waters**, the Section members reviewed the record from the Informal Fact-Finding Conference, which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Davenport moved to recommend that the Board accept the Summary of the presiding Board member and deny Mr. Waters application for a professional engineer license. Mr. Waters has not graduated from a Board approved undergraduate curriculum in order to be considered pursuant to 18 VAC 10-20-210.1 of the Board's 2002 regulations. Mr. Waters has a Bachelors of Science degree in chemistry, which is considered a related science, and a masters of engineering which requires him to meet the experience requirements of 18 VAC 10-20-210.3 of the Board's 2002 regulations. At this time, Mr. Waters has provided documentation of 5 years and 3 months of experience; however, he lacks the additional 9 months of the required 6 years of qualifying engineering experience. Mr. Helton seconded the motion which was unanimously approved by members Davenport and Helton. As the presiding Board member at the Informal Fact-Finding Conference, Mr. Harris was not present during the discussion or vote.

File Number
2003-03155,
Christopher
John Waters

Mr. Davenport departed the meeting at 9:52 a.m.

Mr. Davenport's
Departure

The Section members reviewed the materials for the upcoming NCEES Annual Meeting and discussed some of the issues to be voted on at the meeting, particularly the resolutions concerning the administration of examinations.

Discuss NCEES
Annual Meeting

The Section members reviewed a letter from the Virginia Department of Aviation which included three Employee Work Profiles and a request for a determination of whether the positions included the practice of engineering. After discussion, the Section members directed staff to respond to the Virginia Department of Aviation that they needed to review the definition of the "practice of engineering" contained in § 54.1-400 of the *Code of Virginia* as the Employee Work Profiles did not provide enough information to respond to the inquiry.

Other Business

The Section members reviewed a letter from Roger Tate of Unified Investigations and Sciences, Inc., regarding forensic engineering. After review, the Section members decided to defer action on this item until their next meeting so they would have adequate time to review the questions contained in the letter.

The Section members reviewed information received from NCEES and the Accreditation Board for Engineering and Technology.

Mr. Courtney informed the Section members that the draft proposed regulations would be on the agenda for consideration at the next APELSCIDLA Board meeting scheduled for September 10, 2003.

The Section members discussed the proposed legislation adopted at the last APELSCIDLA Board meeting regarding authority of the sections of the Board.

Mr. Courtney provided the Section members with an update on the status of the ongoing review of examination applications.

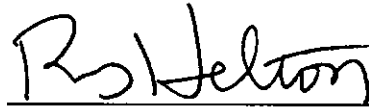
Mr. Courtney provided the Section members with the *New Board Member Training Manual 2003-2004* on compact disk.

Conflict of Interest forms were completed by all members present.

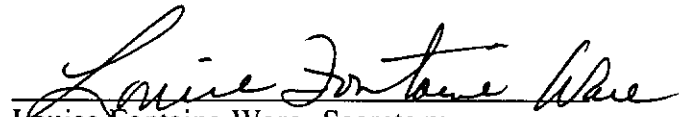
Conflict of
Interest Forms

There being no further business, the meeting was adjourned at 10:29 a.m.

Adjourn



Ronald G. Helton, Chair



Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of Records

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Ronald G. Helton
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on August 5, 2003
5. Nature of Personal Interest Affected by Transaction: N/A

6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

CEC/N VSPE

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

R. G. Helton

Signature

8/5/03

Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

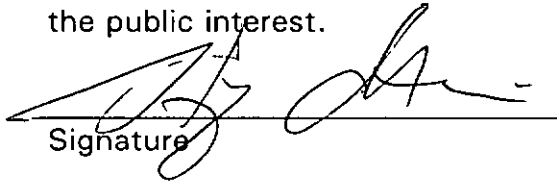
1. Name: Stanley C. Harris
2. Title: Member
3. Agency: APELSCIDLA Board
4. Transaction: Board Meeting on August 5, 2003
5. Nature of Personal Interest Affected by Transaction: NONE

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6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

ASME VSPIE

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.


Signature

8/5/03
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Richard N. Davenport
 2. Title: Member
 3. Agency: APELSCIDLA Board
 4. Transaction: Board Meeting on August 5, 2003
 5. Nature of Personal Interest Affected by Transaction: NONE
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6. I declare that:

(a) I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

USPE, NSPE

(b) I am able to participate in this transaction fairly, objectively, and in the public interest.

Signature

Date

5-AUGUST-03